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COMMITTEE ON THE RIGHTS OF THE CHILD

Eighth Session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Colombia

1. The Committee began consideration of the initial report of Colombia (CRC/C/8/Add.3) at its 113th to 115th meetings, held on 17 and 18 January 1994. In view of the fact that it was not possible during the session to fully clarify a number of serious concerns about the implementation of the Convention, the Committee decided not to conclude the consideration of that report and adopted instead a set of preliminary observations. The State party was requested to provide, by 28 February 1994, written answers to the Committee's list of issues and information on particular areas of concern identified by the Committee in its preliminary observations, for consideration by the Committee at a future session. After considering the additional information provided by the Government of Colombia at its 188th and 189th meetings held on 12 January 1995 (CRC/C/SR.188 and CRC/C/SR.189), the Committee concluded its consideration of the initial report of Colombia and adopted* the following concluding observations:

A. Introduction

2. The Committee expresses its appreciation to the Government of Colombia for the submission of written answers to its list of issues, the responses to its preliminary observations and other oral questions posed during

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* At the 208th meeting, held on 26 January 1995.

consideration of the report, and the additional information on the particular areas of concern identified by the Committee. The Committee is encouraged by the frank and cooperative tone of the discussion, in which the representatives of the State party indicated not only the policy directions relative to the Convention, but also the difficulties encountered during implementation.

B. Positive aspects

3. As recognized in its Preliminary Observations, the Committee welcomes the major legislative initiatives adopted with a view to providing a legal framework for the implementation of the Convention. The Committee also welcomes the initiatives taken towards creating special mechanisms for the implementation of the Convention. It particularly welcomes the emphasis placed on the protection of human rights as reflected, inter alia, by the establishment of a Unit on Human Rights within the Attorney-General's Office.

4. The Committee further welcomes the efforts made to facilitate the participation of non-governmental organizations (NGOs) in the implementation process.

5. The Committee notes the progress made over the last 10 years in lowering the infant mortality rate. It also welcomes the formulation by the State party of a National Plan of Action and the setting of concrete goals as follow-up to the World Summit for Children. The Committee further welcomes the Government's efforts to provide education to children in rural areas and to improve their nutritional level.

C. Factors and difficulties impeding the implementation of the Convention

6. The Committee takes note that Colombia is going through a difficult economic period that adversely affects the situation of children. It further notes the prevailing disparities existing in the country at the economic and social levels.

7. The Committee also notes the serious impact on children of political problems stemming from drug-related terrorism and violence.

D. Principal subjects of concern

8. The Committee is concerned at the significant gap between the laws adopted to implement the Convention on the Rights of the Child and the practical application of those laws to the actual situation of a great number of children in Colombia.

9. The Committee also expresses concern over the lack of sufficient coordination between the various entities involved in human rights and children's rights, as well as at the lack of comprehensive consideration of the different sectorial policies aiming at the promotion and protection of the rights of the child.

10. The Committee expresses its concern at the insufficient steps taken to gather relevant information on the implementation of the Convention as well as to ensure an effective monitoring system at the national, regional and local levels.

11. The Committee expresses its grave concern over the large proportion of Colombian children who continue to live in extreme poverty despite the fact that Colombia has one of the most favourable economic growth rates and one of the lowest amounts of per capita foreign indebtedness in the region. Many children in Colombia, including a large proportion of rural and indigenous children, have been economically and socially marginalized and have limited or no access to adequate education or health care services.

12. The Committee is also concerned about discriminatory and adverse social attitudes, particularly among law enforcement officials, towards vulnerable groups of children. The Committee expresses its grave concern over the life-threatening situation faced by an alarming number of children in Colombia, particularly those who, in order to survive, are working and/or living on the streets. Many of those children are victims of "social cleansing" campaigns and subject to arbitrary arrest and torture and other inhuman or degrading treatment by authorities. They are also subject to coercion, disappearance, trafficking and murder by criminal groups.

13. The rules on the minimum age of employment are below international standards and even then are not enforced. Hazardous child labour, including in mines, is a matter of the deepest concern.

E. Suggestions and recommendations

14. The Committee suggests that the State party take steps to ensure the effective coordination between the existing institutions involved in the areas of human rights and children's rights with a view to establishing a monitoring mechanism for the implementation of the Convention at the national, regional and local levels, which may assess the actual situation of children and narrow the gap between the law and its practice.

15. The Committee also suggests that reliable quantitative and qualitative information be systematically collected and analysed to evaluate progress in the realization of the rights of the child and to monitor closely the situation of marginalized children, including those belonging to the poorest sectors of society and to indigenous groups.

16. The Committee recommends that the State party, in the light of articles 3 and 4 of the Convention, undertake all appropriate measures to the maximum extent of the available resources to ensure that sufficient budgetary allocation is provided to services for children, particularly in the areas of education and health, and that particular attention is paid to the protection of the rights of children belonging to vulnerable groups.

17. The Committee further recommends that firm measures be taken to ensure the right to survival for all children in Colombia, including those who live in a situation of poverty, who have been abandoned, or those who to survive are forced to live and/or work in the streets. Such measures should aim at

the effective protection of children against the occurrence of violence, disappearance, assassination or alleged organ trafficking. Thorough and systematic investigation should be carried out and severe penalties applied to those found responsible for such violations of children's rights. Violations of human rights and children's rights should always be examined by civilian courts under civilian law, not military courts. The outcome of investigations and cases of convictions should be widely publicized in order to deter future offences and thus combat the perception of impunity.

18. The Committee suggests that in the field of administration of juvenile justice, greater efforts should be made to ensure respect for the standards and legal safeguards contained in the Convention, in particular in the light of articles 37, 39 and 40, and taking into due consideration other relevant international instruments adopted in this field by the United Nations. The Committee also suggests that further efforts be made to ensure that all children deprived of their liberty, who have been abandoned or who are at risk are registered and their situation closely monitored in order to ensure that they are afforded the protection provided by the Convention.

19. In regard to the problems of working children, the Committee suggests that Colombia consider ratifying ILO Convention No. 138 concerning the minimum age for admission to employment and review all relevant national legislation with a view to bringing it into conformity with the Convention on the Rights of the Child and other international standards. Child labour laws should be enforced, complaints should be investigated and severe penalties imposed for violations. The Committee suggests that the Government consider seeking cooperation from ILO in this area.

20. The Committee suggests that steps be taken to strengthen the educational system, particularly in the rural areas, to improve the quality of teaching and to reduce the high number of school drop-outs. Consideration should be given to integrating the Rights of the Child in the school curriculum, namely in the framework of the United Nations Decade on Human Rights Education.

21. Educational campaigns should be undertaken to reduce violence in society and in the family and to combat prejudice on the basis of gender. Counselling services for youth should be developed as a preventive measure aimed at lowering the high incidence of teenage pregnancies and stemming the dramatic rise in the number of single mothers. The Committee suggests that the Government more actively enlist the support of NGOs and other private organizations in raising public awareness of the rights of the child and in monitoring enforcement of the laws.

22. The Committee suggests that serious consideration be given to training in the rights of the child of professional groups working with or for children, including teachers, judges and defensores de familia y de menores. The Committee believes that a new attitude and approach should be developed, particularly as regards the police and the military, in order to enhance respect for all children, regardless of their social, economic or other background, and to reaffirm the value of their fundamental rights. In this connection, information and training programmes should be strengthened,

including at the level of the community and the family, and the rights of the child should be included in the framework of the training curriculum of the professional groups concerned.

23. Further measures should be envisaged to strengthen cooperation with NGOs aiming at greater social mobilization on behalf of the rights of the child.

24. The Committee suggests that the State party seek closer cooperation with United Nations bodies and specialized agencies, including the Centre for Human Rights and its Technical Cooperation Branch, in order to obtain the assistance and expertise required and to embark upon major reform in the areas where a concern has been identified by the Committee.

25. The Committee suggests that in the light of article 44, paragraph 6, the State party widely publicize its report, the summary records of the discussion and the concluding observations adopted thereon.